

### **REMARKS**

The below comments are in response to the Office Action mailed February 4, 2009. Based on the following remarks, Applicants respectfully request reconsideration and allowance of the claims.

#### **Claim Rejections Under 35 U.S.C. § 103**

Claims 1, 3, 4, 6, 15, 17, 20, and 25 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 7,065,359 to Chuah et al. (“Chuah”) in view of U.S. PGPUB No. 2007/0002798 to Leung (“Leung”). Claim 2 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Chuah in view of Leung, and further in view of U.S. Patent No. 6,154,652 to Park et al. (“Park”). Claims 5, 19, and 21 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Chuah in view of Leung, and further in view of U.S. Patent No. 5,513,246 to Jonsson (“Jonsson”). Claims 7-9, 12-13, 22, and 24 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Chuah in view of Leung, and further in view of U.S. Patent No. 6,731,936 to Chen et al. (“Chen”). Claims 10, 11, 16, 18, 23, and 26 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Chuah in view of Leung, and further in view of U.S. PGPUB No. 2003/0162535 to Nishiyama et al. (“Nishiyama”). Claim 14 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Chuah in view of Leung, and further in view of U.S. Patent No. 6,366,568 to Bolgiano et al. (“Bolgiano”). Claim 27 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Chuah in view of Leung and Jonsson, and further in view of Chen. Applicants respectfully traverse each of these rejections for at least the following reasons.

#### **A. Comments on Claims 10, 11, and 16**

The rejection of claims 10, 11, and 16 under 35 U.S.C. § 103(a) is defective. Claim 10 depends from claim 8, but is not rejected using all of the references used to reject claim 8. Specifically, claim 8 is rejected in view of the combination of Chuah, Leung, and Chen. *See* Action, p. 7-8. Claim 10 depends from claim 8, and is rejected in view of the combination of Chuah, Leung, and Nishiyama, but not Chen. *See* Action, p. 10. If the Action needed to rely on Chen to reject claim 8, then Chen also would be needed to reject claim 10 due to its dependency on claim 8. As such, the rejection of claim 10 is improper. The rejection of claims 10 and 16 is

similarly improper. Therefore, the final rejection of claims 10, 11, and 16 under 35 U.S.C. § 103(a) is improper and Applicants respectfully request that the rejection be withdrawn.

B. Comments on Claim 1

In the previous response, Applicants argued that the combination of Chuah and Leung fails to teach or suggest “receiving a first channel burst broadcasted from a first base station of a unidirectional broadcast network on a wireless channel” in the manner recited in claim 1. Particularly, Applicants noted that Chuah requires *bidirectional* communication with a base station. In reply, the Action states:

Chuah in view of Leung does not require the wireless unit [to send] an indication to the wireless communication system of the identity of the selected base station in order to receive the information through the second base station.

Leung teaches broadcast system where the information is being sent through both the first and second base station. Only the timing alignment needs to be set as taught by Leung (Paragraphs [0062-0066]).

See Action, pp. 14-15. Paragraphs 62-66 of Leung discuss a subscriber station detecting a need for handoff, decoding timing information in a new broadcast stream, and synchronizing and decoding the new broadcast stream. Apparently, the Action has taken the position that Chuah, which discloses a mobile station sending base station identifier (BTS ID) on an uplink channel to a base station, can be modified based on Leung to no longer send the BTS ID. Applicants submit that the modification of Chuah based on Leung continues to be deficient for the reasons set forth in the previous response, as well as for the further reasons set forth below.

In making the proposed modification of Chuah based on Leung, the Action has failed to address that the mobile station in Chuah sends not only the BTS identifier on the uplink channel, but also communicates data rate information to the base station. In other words, Chuah requires bidirectional communication to send the BTS ID and data rate information. See Chuah, C6, L19-23 (“the wireless unit or mobile station (MS) 80 sends, on the DRC channel, information on the data rate (DRC Symbol (DRC)) of the downlink channel and a base station identifier (BTS1 id) as shown by signal 84”). As explained in Chuah, a “measured signal to interference ratio (SIR) or carrier to interference ratio (C/I) at the receiver is used to determine a data rate which can be supported by the receiver. In 3G-1x EVDO, the wireless unit performs the rate calculation using

measurements of a pilot signal broadcast from the base station and reports back the rate at which it is going to receive data from the base station on a data rate control (DRC) channel.” *See* Chuah, C1, L57-65. Thus, Chuah requires bidirectional communication for this additional reason.

This further supports the conclusion that Chuah is not modifiable for use in a unidirectional broadcast network as suggested in the Action. Chuah requires bidirectional communication for two reasons. First, as discussed in the previous reply, to coordinate handoffs to prevent data loss. Specifically, Chuah requires bidirectional communication to coordinate handoffs between the MS 80 and the BTS’s to prevent data loss caused by data being sent to the previous base station BTS1 after the MS 80 has already switched to new base station BTS2. *See* Chuah at C6, L50-57. Second, as discussed above, to permit the mobile station to inform the base station of the rate at which to transmit data to achieve an acceptable SIR or C/I. Modifying Chuah as suggested would not provide the same prevention of data loss during a handoff nor would it allow for adjusting a data rate based on SIR or C/I. Thus, it would not have been obvious to one of ordinary skill in the art, at the time of invention, to modify Chuah in the manner proposed in the Action.

Moreover, the Action responds to, but does not meaningfully address, an issue raised in the previous response. On page 15, the Action notes the argument in the previous response that “Leung indicates that its system would not be combined with subscriber assisted handoffs systems, such as that disclosed in Chuah, due to synchronization issues and a high signaling load.” Applicants previously pointed out that Leung indicates that “subscriber-assisted handoff is impractical in a broadcast communication system due to . . . a high signaling load.” *See* Leung at Abstract and at ¶ 0012. Leung also indicates that transmissions received simultaneously by a base station during handoff are synchronized at the transmission base stations. *Id.* at ¶ 0012. Leung notes that “because broadcast transmission is intended for many subscriber stations, the base station **cannot** synchronize transmissions for each subscriber station desiring a handoff.” *Id.* Emphasis added. In contrast, Chuah describes subscriber assisted handoffs. *See* Chuah at Figure 3. Thus, Leung indicates that its system would not be combined with subscriber assisted handoffs systems, such as that disclosed in Chuah, due to synchronization issues and a high signaling load.

In reply to the above argument, the Action states:

As pointed out above, Chuah in view of Leung does not require the wireless unit sends an indication to the wireless communication system of the identity of the selected base station in order to receive the information through the second base station.

*See* Action, p. 15. Such a statement is not responsive to the points raised above. Namely, Chuah discloses a bidirectional communication system providing subscriber assisted handoffs, whereas Leung discloses hard handoffs where a “subscriber-assisted handoff [would be] impractical . . . due to . . . a high signaling load.” *Id.* at Abstract and at ¶ 0012. Chuah and Leung clearly teach against the proposed combination and the Action in no way addresses these issues when making the rejection final. Therefore, the combination of Chuah and Leung is improper for at least the above noted reasons set forth in Leung.

Accordingly, at least the features of “receiving a first channel burst broadcasted from a first base station of a unidirectional broadcast network on a wireless channel,” as recited in claim 1, define over the combination of Chuah and Leung. The Action has not relied any of Hishiyama, Park, Bolgiano, or Jonnson, alone or in combination with Chuah and Leung, to teach or suggest the missing claim features, and hence has implicitly conceded that they do not. Applicants therefore respectfully request that the rejection of claim 1 under 35 U.S.C. § 103(a) be withdrawn.

C. Comments on Claims 2-27

Independent claims 20, 25, and 27 each recite a unidirectional broadcast network. Accordingly, these claims are allowable at least for reasons analogous to those given in support of claim 1. The pending dependent claims are allowable at least due to their dependence on an allowable claim, in addition to the features they recite.

D. Further Comments on Claims 11, 23, and 26

Claim 11 recites the “method of claim 10, wherein (H) comprises: (i) instructing a module of a wireless terminal to reduce power consumption.” The Action concedes that Chuah and Leung do not disclose “reducing power consumption of the wireless terminal,” and, in spite of the argument in the previous response, continues to rely on Nishiyawa to reject these claim

features. *See* Action, pp. 10-11, *citing* Nishiyawa at Abstract (“a mobile station carries out an adjacent cell search under lower power consumption”). Claim 11 depends on claim 10, which recites “(H) in response to (E), suspending reception on the wireless channel until performing (F).” Applicants submit that the Abstract of Nishiyawa does not disclose “instructing a module of a wireless terminal to reduce power consumption” as a part of “suspending reception on the wireless channel” in the manner claimed. Thus, the combination of Chuah, Leung, and Nishiyawa, even if proper, fails to teach or suggest all of the elements recited in claim 11. Therefore, claim 11 defines over the cited prior art for at least these reasons and Applicants respectfully request that the rejection under 35 U.S.C. § 103 be withdrawn.

Claims 23 and 26 recite features similar to claim 11 and are allowable at least for analogous reasons.

### **CONCLUSION**

Applicant respectfully submits that the pending claims are in condition for allowance. Favorable reconsideration of this application is respectfully requested. The Examiner is invited to contact the undersigned should it be deemed necessary to facilitate prosecution of the application.

Respectfully submitted,  
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